

V. PROCEEDINGS

COMPLAINT

Motion and Order to Seal Complaint (DEA) until defts are arrested.
W/A of deft
INDICTMENT

INITIAL APPEARANCE (DEA) Deft. advised of rights and charges..
Advised court he will hire counsel. (10:06 a.m.)

ARRAIGNMENT (DEA) (10:19 a.m.) Deft. enters plea of NOT GUILTY
ZLW assigned previously drawn for co-deft...Dis. conf. set
1/13/87 at 10:45 a.m...Deft. app. waived...Bond cont.

Documents received from Dist. of Arizona including:

Conditions of release...Deft. released 12/30/86 on P.R.

Entry of Appearance of Counsel

Discovery Hearing Report...motions due 1/23/87

NOTICE OF TRIAL SETTING (ZLW)...set for 3 days trial 2/23/87 at
10:30 a.m.

Marshal's ret. on W/A...Deft. arrested on Mag. complaint (86-957M)
12/15/86

MOTION of Deft. for Ext. of Time to file motions. com.

Minute Order (ZLW) Motion for Ext. of Time is Granted to 2/2/87

MINUTE ORDER (ZLW)...motions hrg set 2/12/87 @ 9:30 a.m. in Ctrm

C-204...com
MOTION of Deft to Withdraw...com

MOTION OF Govt for Permission to File Brief

Letter from deft to atty De Salvo advising that he should w/draw
as counsel for record due to lack of funds

SGD(ZLW)ORDER...the govt may submit a brief in response to the
pretrial motions of deft...com

SGD(DEA)ORDER...the mtm to w/draw as counsel for deft is GRANTED..

ORDER: the FPD is apptd...the deft may be subject to payment in
full or in part for cost of his defense as determined by the
Court based on any change of financial circumstances...com

Entry of Appearance of FPD Szekely

HEARING(ZLW)Motions...deft NOT PRESENT...govts oral mtm for a W/A
to issue...ORDER: defts P.R. bond is forfeited & a bench warrant
to issue

W/A issued to Marshal

86-CR-354

FILED
U.S. DISTRICT COURT
February 12, 1987 COLORADO

37 FEB 6 P2:10

Mr. E. Alexander De Salvo
Attorney at Law
50 E. Steele Street, Ste. 1000
Denver, CO 80209

CLERK
BY Ma CLERK.

Dear Mr. De Salvo:

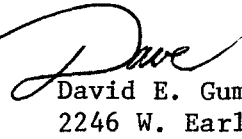
Due to the fact that I simply have not been able to raise the fee of \$12,000 you have requested to defend me in my upcoming trial there in Denver, or the \$30,000 requested by Bill Loftus and his fellow attorney here in Phoenix, please be advised that I will be making application for the services of the Federal Public Defender there in Colorado.

As such, you have my consent to withdraw on my behalf from the case pending against me in the District of Colorado. Due to a complete lack of funds, I am unable to further retain either your services or Arizona counsel to help me prove that I am innocent of the charges and that I was set-up and entrapped by government agents. ✓

I sincerely hope that you have not been inconvenienced up to this point and I appreciate what work you did do in my behalf.

Thank you for your consideration in this matter.

Sincerely,


David E. Gumaer
2246 W. Earll Drive
Phoenix, AZ 85015

United States District Court

DISTRICT OF COLORADO

UNITED STATES OF AMERICA
V.

WARRANT FOR ARREST

DAVID GUMAER

CASE NUMBER: 86-CR-354

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest DAVID GUMAER
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

Judge Zita L. Weinshienk

☐ Indictment ☐ Information ☐ Complaint ☒ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

Failure to appear at hearing before Zita L. Weinshienk, Judge, U.S. District Court on Thursday, February 12, 1987 at 9:30 a.m., as notified after arraignment on a charge of illegal transfer of firearms,

in violation of Title 26 United States Code, Section(s) 5861(e) and 18 U.S.C. § 2

JAMES R. MANSPEAKER

Name of Issuing Officer

Signature of Issuing Officer

Clerk, U.S. District Court

Title of Issuing Officer

February 12, 1987 Denver, Colorado
Date and Location

RETURNED UNEXEGUTED

PER Dismissal

ON 2-10-87

BY Sharon Buck

Bail fixed at \$ 100.00

by Sharon Buck
Name of Judicial Officer

JAMES R. MANSPEAKER CLERK

RETURN

This warrant was received and executed with the arrest of the above-named defendant at 21:24 01-02-87

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

United States District Court

DISTRICT OF COLORADO

UNITED STATES OF AMERICA

V.

DAVID GUMAER
and STEVEN CHRISTENSEN

CRIMINAL COMPLAINT

CASE NUMBER: 86-957m

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 6, 1985 in Larimer county, in the State and District of COLORADO defendant(s) did, (Track Statutory Language of Offense)

knowingly and unlawfully transfer firearms as defined by Section 5845(a), Title 26, United States Code, to wit: eight Action Arms Uzi model B, 9mm machineguns with the following serial numbers: (1) SA39588, (2) SA39594,

(See Attachment #1 attached hereto and herein incorporated by reference)

a violation of Title 26 United States Code, Section(s) 5861(e)
Title 18, United States Code, Section 2

I further state that I am a(n) ATF Special Agent and that this complaint is based on the following
Official Title

facts:

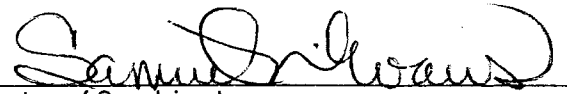
I am Special Agent Samuel N. Evans of the Bureau of Alcohol, Tobacco and Firearms (ATF). I currently am assigned to the Phoenix, Arizona office of ATF.

On September 19, 1985, I was contacted by Special Agent Darwin B. Green of the Federal Bureau of Investigation, Phoenix, Arizona. Agent Green advised me that David E. Gumaer of Phoenix, Arizona, had offered to sell a

(See Attachment #2 attached hereto and herein incorporated by reference)

Continued on the attached sheet and made a part hereof:

☐ Yes ☐ No


Signature of Complainant

Sworn to before me and subscribed in my presence,

DEC 12 1986

Date

Donald E. Abram


UNITED STATES MAGISTRATE

Name & Title of Judicial Officer

at

Denver, Colorado

City and State


Signature of Judicial Officer

ATTACHMENT #1

(3) SA39595, (4) SA39593, (5) SA39587, (6) SA 39590, (7) SA39586 and (8) SA39589, in violation of the provisions of Chapter 53, Title 26, United States Code, in that they did transfer such firearms without first obtaining an approved application form as required by Section 5812(a)(6), Title 26, United States Code, showing approval of such transfer and the registration of the firearms to the transferee.

ATTACHMENT #2

full automatic Uzi machinegun to Billie E. Sivils, who was assisting Agent Green with his investigation. Agent Green asked me to assist in this investigation and, on the above date, I briefed Billie Sivils on how to determine the difference between an Uzi semiautomatic rifle and an Uzi rifle that had been converted to fire fully automatic.

On the above date, I observed Billie Sivils as he met with David Gumaer in Phoenix, Arizona. After this meeting, I again met with Agent Green and Billie Sivils; at which time, Sivils explained that Gumaer had shown him an Uzi, 9mm, semiautomatic rifle. Sivils also related that Gumaer had claimed this firearm actually belonged to Gumaer's employer.

Sivils also told Agent Green and me that Gumaer claimed to have a source for eight machineguns in Colorado, and that Gumaer agreed to accompany Sivils to Colorado in order to purchase these machineguns for \$4500. Arrangements were made to introduce me, acting in an undercover capacity, to Gumaer on September 26, 1985.

On September 26, 1985, Special Agent Jay Lanning, Bureau of Alcohol, Tobacco and Firearms, Santa Ana, California, flew me via agency aircraft to the Scottsdale Airport, Scottsdale, Arizona. Once at the airport, Billie Sivils introduced me to David Gumaer. Shortly after this introduction, Sivils, Gumaer and I went to the restaurant of a motel that was adjacent to the Scottsdale Airport. Once we were seated in the restaurant, Gumaer gave me a packet of information concerning investment information and showed me samples of gold coins. I told Gumaer that I represented a group of well-to-do, conservative businessmen from Texas and that I would pass along the information he had given me concerning investments. While I was seated with Gumaer, I told Billie Sivils that I wanted him to acquire military type weapons and armament on my behalf. I also told Sivils this weaponry was going to be utilized to protect my employer's business interests along the Texas-Mexican border and in Central America.

Prior to concluding this conversation, Gumaer told me that he also had connections for acquiring the type of material I had requested of Sivils. I indicated that this would be of interest to me.

On about October 3, 1985, Agent Green contacted me and related that Sivils had been in contact with Gumaer and arrangements had been made for Sivils and me to fly Gumaer to Colorado to purchase the eight machineguns.

On October 6, 1985, Agent ^{Lanning}~~Lanning~~ ^{me} and I flew into the Scottsdale Airport and picked up David Gumaer in the ATF aircraft. We then flew directly to Flagstaff, Arizona, where we picked up Billie Sivils. From Flagstaff, we flew to Fort Collins, Colorado, refueling enroute at Colorado Springs, Colorado.

Agent Lanning landed the ATF aircraft at the Downtown Fort Collins Airpark, shortly after 12:00 noon, on October 6, 1985. Once we were on the ground, I observed David Gumaer go directly into a terminal building adjacent to the airstrip. A few minutes later, Billie Sivils and I went into the same building that Gumaer had just entered. After ^{we} were inside, Gumaer told us his contact was coming to our location in about ten minutes in order to confer with Gumaer. After Gumaer conferred with Billie Sivils and me for several more moments, he stepped outside of the terminal building. Not long after this, I heard Billie Sivils describe a person who was driving onto the parking lot in a green Toyota, and Sivils said that Gumaer was approaching this person.

After a few minutes, Gumaer returned to the terminal and spoke to Sivils again. After which, he left the terminal once more. Billie Sivils told me that he had told Gumaer that he, Sivils, would have to examine the firearms.

After another few moments had passed, Gumaer returned to our location and conversed with Billie Sivils further. Sivils and Gumaer walked around the corner of the building out of my line of sight. After a short time, I heard Billie Sivils call to me, using my undercover name, and I joined him, David Gumaer, and a third person on the parking lot. We gathered around the rear of the green Toyota with Colorado license plates, as Billie Sivils began examining firearms that were in cardboard boxes in the open trunk of the Toyota.

The third party who was with Gumaer at the rear of this vehicle was a white male who appeared to be in his late thirties, and I noted that he was wearing a belt buckle with the name "Steve" spelled out across the front.

As Billie Sivils and I began examining these firearms, "Steve" suggested that we take the firearms to the aircraft and complete our examination. I told him that we weren't going to pay for the firearms until we had tested each. He indicated that this was suitable to him. Billie Sivils and I then carried two cardboard boxes to the ATF aircraft where we examined each firearm. I found that each of these contained the parts that were consistent with Uzi, 9mm rifles that had been converted to fire full automatic. I also field tested these weapons and it appeared that each would operate in the full auto mode of operation.

After we examined these firearms, Billie Sivils and I returned to the green Toyota at the terminal parking lot, where I saw Sivils give "Steve" an envelope containing cash money. "Steve" then seated himself in the vehicle and proceeded to count the money. After counting the money, "Steve" got out of his car and indicated that he was satisfied. The license plate on the Toyota was LX8033.

Lanning, Gumaer, Sivils and I then returned to Arizona in the ATF aircraft.

The eight Uzi, 9mm, model B, machineguns have the following serial numbers: SA39588, SA39594, SA39595, SA39593, SA39587, SA39590, SA39586 and SA39589.

On October 7, 1985, I contacted the ATF office in Denver, Colorado. An ATF agent in Denver informed me that Colorado license LX8033 was a 1972 Toyota listed to a Susan Christensen, 1755 Yucca Court, Fort Collins, Colorado. I was also told that Colorado driver's license authorities had furnished information of a Steven Christensen, 1755 Yucca Court, Fort Collins, holding a Colorado driver's license. The ATF Office, Denver, forwarded a certified copy of Colorado Driver's License number E268336 for Steven David Christensen, white male, date of birth 07-08-44, 1755 Yucca Court, Fort Collins, Colorado. Upon viewing the driver's license photograph, I determined that this was the same individual who sold me the eight machineguns on October 6, 1985, at the Fort Collins airport.

Also on October 7, 1985, I test fired each of the above firearms and found each one would fire fully automatic.

On October 9, 1985, I contacted Denise Brown of the National Firearms Registration and Transfer Records Branch of ATF, Washington, D.C., and requested that each of the eight firearms and Steven Christensen, date of birth 07-08-44, be queried for any record. I was informed that no record existed for the firearms or Christensen.

I also initiated a trace of these firearms with ATF National Tracing Center in Washington, D.C. I, in turn, received information that these firearms had been received by Big Iron Sporting Goods, Fort Collins, Colorado, on August 16, 1983. Big Iron Sporting Goods is a federally licensed firearms dealer.

AFFIDAVIT

PAGE 1 OF 7 PAGES

1. Steven David Christensen, state that

I reside at 1755 Yucca Court in Fort Collins, Colorado. I have lived in Fort Collins for twelve years.

I am currently self employed as a marketing representative for United States Consumers Club.

From August of 1982 until November of 1986, with the exception of 90 days, I was employed by Western Monetary Consultants in Fort Collins. While I was employed at Western Monetary I was acquainted with a fellow consultant by the name of Roger Hughes, who also resided in Fort Collins. I believe that Roger was already working at Western when I was employed.

In about early 1984 Roger approached me and asked if I wanted to invest some money that I could

I have read the foregoing statement consisting of 7 pages, each of which I have signed. I fully understand this statement and I declare, certify, verify and/or state under penalty of perjury that the foregoing is true and correct. I made the corrections shown and placed my initials opposite each. I made this statement freely and voluntarily without any threats or rewards, or promises of reward having been made to me in return for it. Executed on Dec. 15, 19 86

SIGNATURE OF AFFIANT

Steven D. Christensen

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15th

DAY OF

December, 19 86AT Fort Collins, Colorado

SIGNATURE

John W. ...

TITLE

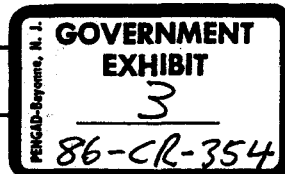
Special Agent - ATF

WITNESS

SIGNATURE

Robert J. Gilbert

TITLE

Special Agent ATF

AFFIDAVIT

(CONTINUATION SHEET)

PAGE 2 OF 7 PAGES

double in a short time. When I asked him what this involved he wouldn't tell me. I then asked him if this was illegal and he told me not to worry. Roger said I would get my money back plus some. I discussed this with Roger several times over about a two week period. Roger wanted \$6000.00 for the investment. After this I decided to supply Roger with the money and I took out a loan for the full amount. Roger told me that he was supplying a like amount of money.

About two or three months after I gave Roger the money I found out that my employer was considering letting Roger go. After I found this out I told Roger I wanted my money back. He told me that he didn't have the money. I told him that I wanted whatever items he had acquired to cover

SIGNATURE OF AFFIANT



DATE

12-15-86

AFFIDAVIT

(CONTINUATION SHEET)

PAGE 3 OF 7 PAGES

my part of the investment. Roger told me the items were in his basement and that he would give them to me. A few days later Roger approached me at work asked me to come to the parking lot. When I got to the parking lot Roger showed me two cardboard boxes containing guns. Roger told me the guns were Uzis. I noted that the guns were all in pieces. Roger told me that these guns had been altered. When I asked him what this meant he said that these guns were illegal in that they were no longer semi automatics. I was very upset with Roger and told him I didn't like him giving me illegal items. Roger told me that he was still working on ~~some~~^{SD} finding a buyer for the weapons. I took the firearms from Roger to my home and hid them.

SIGNATURE OF AFFIANT



DATE

12-15-86

AFFIDAVIT

(CONTINUATION SHEET)

PAGE 4 OF 7 PAGES

After I got these firearms from Roger I didn't see him for several months.

In about November of 1984 I left my job with Western Monetary in Fort Collins and relocated to Phoenix, Arizona. In Phoenix I worked for American Federal. While with American Federal I became acquainted with a salesman named Dave Gumaer. Over a period of time I told Gumaer about the above firearms. Around Christmas of 1984 Gumaer asked if I could bring the firearms to Phoenix on my way back from visiting Fort Collins. I took the firearms back to Phoenix with me but never showed them to Gumaer. He had indicated that he could help me ^{get RID OF} ~~move~~ the guns, but nothing ever came of it.

When I left the employ of American Federal in Phoenix I took the guns back to my

SIGNATURE OF AFFIANT



DATE

12-15-86

DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
AFFIDAVIT
(CONTINUATION SHEET)

PAGE 5 OF 7 PAGES

home in Fort Collins. I returned to Fort Collins and my job at Western Monetary in late February of 1985.

Several months later, I believe in the fall, I was contacted by Dave Gumaer, via telephone. He told ^{me} that he had persons who would be interested in buying the Uzis. I told him that there were nine of the firearms. He told me that he wanted one of the firearms as a finders fee and his associates would take the remaining eight. We talked about this maybe twice before Gumaer told me that he was flying up to Fort Collins to pickup the guns.

When Gumaer arrived he phoned me at home and told me he was at the Fort Collins airport. I then drove my car with guns in the trunk to the Fort Collins airport where I met Gumaer. I told Gumaer that I was scared

SIGNATURE OF AFFIANT

DATE

Steven J. Gutierrez

12-15-86

AFFIDAVIT

(CONTINUATION SHEET)

PAGE 6 OF 7 PAGES

and asked if he could transfer the Uzis to the other people. He said that everything would be alright and that we could just go ahead with the exchange. After this Gumaer and I were approached by two of Gumaer's associates who began examining the firearms. Shortly after this these other two individuals took the boxes containing the guns to an airplane. When these two returned to the car one of them gave me a packet of money. I was nervous at this point so I sat down in the car and pretended to count the money. After this I told them everything was okay.

Gumaer had suggested the price of \$4500.00 for the firearms. Gumaer did not take possession of the firearm he wanted as a finders fee. He asked me to keep the firearm and he would

SIGNATURE OF AFFIANT



DATE

12-15-86

AFFIDAVIT

(CONTINUATION SHEET)

PAGE 7 OF 7 PAGES

pick it up sometime in the future. This firearm is still in my garage. I have voluntarily agreed to abandon this firearm to Agents Evans and Gilbert of the Bureau of Alcohol, Tobacco, and Firearms.

On Thursday or Friday of last week I was back in Phoenix for business and saw Gumaer. He asked if I still had the gun. I affirmed that I did.

About October of this year Roger Hughes ~~asked~~ called me via phone and asked if I had ~~disposed of the~~ ^{I SAID NO I DIDNT} ~~guns~~. I told him that I had ~~gotten rid of the~~ ~~firearms~~. Roger told me he was selling cars in Dallas, Texas. ~~AS~~

SIGNATURE OF AFFIANT



DATE

12-15-86

AFFIDAVIT OF EXISTING WARRANT

Arrested: 12/15/86

NO. 86-5480M

I HEREBY CERTIFY that I have reliable information a warrant has been issued for the arrest of: DAVID E. GUMAER

on a: 1. COMPLAINT signed by Samuel N. Evans

of Denver before U.S. Magistrate

of Denver in the

Colorado on 12/12/86

2. GRAND JURY INDICTMENT returned on

in the

FILED
DEC 15 9 23 AM '86
DISTRICT OF
AT

Charging that on or about October 5, 1985 at

in the District of Colorado the said:

DAVID GUMAER

, in violation of Title(s) 18

Section(s) 5861(e)
2

, U.S.C. did: Illegal transfer of firearms,
aiding and abetting

My information consists of DEX from ATF

WITNESS my signature at Phoenix, Arizona this 15th day of December, 1986

Carol A. Baker

NAME

SPECIAL Agent

TITLE

Above affidavit with defendant presented to me at Phoenix, Arizona, this 15th day of December, 1986.

87
37
U.S. DEPARTMENT OF JUSTICE
DISTRICT COURT
COLORADO
A8:42
CLERK
DEPT. CLK.
UNITED STATES MAGISTRATE

Papers in this case wired for:

Recommended bail \$

COURTRAN

FEDERAL BUREAU OF INVESTIGATION

6/26/85

Date of transcription _____

On May 10, 1985, at approximately 1:09 p.m., the confidential source met with TOM HOOVER in the source's vehicle. The following is a transcript of the meeting:

CASE NR	CR 86-338
EX Nr	1
Marked for Identification	
Admitted	
By	
	Courtroom Deputy

Investigation on 5/10/85 at Flagstaff, Arizona File # PX 100A-8715

by SA DARWIN B. GREEN/dlm Date dictated 5/10/85

PX 100A-8715
DBG/dlm

2

HOOVER: And, uh, but I have no desire to initiate any kind of, uh...

SOURCE: Like Shiite Moslem or something.

HOOVER: Yeah, fuck that. You know? I don't want to initiate something that's going to end up getting people killed. I don't want to kill anybody, you know. And I certainly don't want any of our people to get killed. I have no desire for, you know, when we talk about using a team to go in and crack one of these buildings with a computer in it, you know, the people that respond to that are going to shoot at it. You know? And some of the fellows are pretty good shots. You know?

SOURCE: Yeah, they can't take a joke for nothing.

HOOVER: Yeah, they (inaudible) taking a joke, you know. They wouldn't consider it funny.

SOURCE: That's right

HOOVER: If you could do it somehow and garbage the thing out where nobody got hurt, you know, then they'd sit back and chortle about it and say snarf they outsmarted us on that. But once you get out there and start making things go bang, you know, then they get all excited.

SOURCE: Yep.

HOOVER: You know? And these fuckers are going to propagandize so bad they're on that, I mean know they're on the ragged edge of it.

SOURCE: Yep.

HOOVER: Literally they drive around fuckin' paranoid, you know. Either they're paranoid or they're driving around looking for somebody to shoot.

PX 100A-8715
DBG/dlm

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SOURCE: Yep

HOOVER: But either way, you know, that ain't no good. I
 don't need that kind of crap. My plan would be
 to... *do something*
 (Not pertinent.)

HOOVER: You know when, uh, Jarrett talks now he's, his
 thoughts are founded on just good common sense

SOURCE: Yeah.

HOOVER: You know? This sitting around shooting the shit,
 you know, that's wasting my time.

SOURCE: It's for the birds.

HOOVER: You know, it's wasting my time

SOURCE: Yeah. That's why I was trying to get something
 going last night.

HOOVER: In your effort to get something going, you
 shortstopped me.

SOURCE: (laughs)

HOOVER: But I felt the same way

SOURCE: Yeah

HOOVER: I can see where you're coming from too. I felt
 the same way. Look all this fuckin' Star Wars
 shit is neat and fun, but back it up with a little
 bit of the old-fashioned shit that works.

SOURCE: Yep

HOOVER: You know?

SOURCE: I don't know about Mr. Gumaer

PX 100A-8715
DBG/dlm

4

HOOVER: Well...

SOURCE: What's your idea?

HOOVER: I don't know him that well. And I take him as a gadfly if you want the truth. You know, he's picking up rumors in his, within the business of metals, you know. And people that deal in metals. And particularly those that deal in international metals. They get to hear some neat fuckin' rumors.

SOURCE:

HOOVER: I don't have any foundations. Okay?

SOURCE: Yeah.

HOOVER: *two & three point people.*
I like (inaudible). And I like, you know, I like sources that I can check. The big problem is about 90 percent of what you hear, see or have to do with, you know, about 90 percent of it is (inaudible) bullshit.

SOURCE:

HOOVER: And just, you know, you're sitting there trying to sort that out. And I've seen so much of it in the Patriot movement. I'm a little bit reluctant to take a hell of a lot of it serious.

SOURCE: Well, that's right, you know. I'm just getting so shit, I don't believe half of what I see and nothing hardly I hear.

HOOVER: Well, I'll tell you what. I'd like you to have Hardin do one for me. I had him run his jaw here the other day. He said he's got a man on the inside in the IRS up in Ogden.

SOURCE: Supposedly that Gumaer does

HOOVER: Oh yeah. Well, this is all fuckin' fine and good

SOURCE: But Gumaer never comes through with nothing. I asked him again last night about the...He's supposed to get contact for weapons and stuff and what he told me against last night, oh well the guy hasn't, I haven't contacted him. That's three months now.

HOOVER: Do you know what I want? Well if Gumaer has the contact with the IRS, (Not pertinent.) If he ain't showin' good on that... What are you going to do if the train comes? (tells him to cross the tracks).

HOOVER: Again, you know, I encourage you to have everybody set up by cells. Because we don't all need to know each other. It's nice and there's comradery there, you know, but what...

SOURCE: Visual support. We don't need that.

HOOVER: We're not, you know, we're not going to ever get to be a field army like you put a field army out.

SOURCE: And like Ty was talking about last night. You know, having companies of this and doing this.

HOOVER: Bullshit.

SOURCE: Yeah, shit, I told him, I said hey, you know, this...

HOOVER: Yeah, forget it. I don't, I don't even like the idea of one centrally located supply point. I'd like to see it scattered out in caches.

SOURCE: All over.

HOOVER: You know. So you can go from cache to cache looking for it. You can do your own scan and sweep. And your own checking to see who's there and what's there.

SOURCE: Yep.

PX 100A-8715
DBG/dlm

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HOOVER: I want to see things go that way.

SOURCE: Okay, and last night Ty was talking about, you know, he had ten guys in Prescott and he was training them. That's a bunch of bullshit.

HOOVER: Well, wait a minute. I, I, I wouldn't, well, what the hell. I teach my people, but I teach them just by, just by oral discussions.

SOURCE: Yeah.

HOOVER: You know. So that's just, you know, that's just teaching or enlightening them.

SOURCE: Uh huh

HOOVER: I don't call that really training them. Training requires field activity.

SOURCE: That's what he told me he was doing. He was training them. He was doing all this. And we're not. You know, we're not. And some of the stuff he told last night I know is not the truth.

HOOVER: *It doesn't do any good for us to lie to each other, the first lie doesn't*
(Not pertinent.) *have a chance.*

SOURCE: *All we do is B.S. each other.*

HOOVER: I'm serious about what I'm doing. And I'm serious about getting things done. I, I want to go at it in a reasonable, logical, common sense fashion. But pure and simply, I want to stop them bastards.

SOURCE: That's right

HOOVER: I want to throw a wrench into their machinery. And if I can garbage out those fuckin' computer centers I want to do it.

SOURCE: Yep.

HOOVER: And it's easier for me to send out two or three man teams. If I put a three man team on each

building and take it out, then that's much more handier to me than is, uh, to, uh, put together a ten to fifteen man (not pertinent), put a ten to fifteen man team together, uh, to take out that building. And if you're going to go in there with, you know, your, your regular old run of the mill, uh, basic, uh, GI assault on the building to garbage out that computer, you're going to need fourteen men to do it.

SOURCE: Oh shit.

HOOVER: And you're going to need, you're going to need some exotic shit to get that door open.

SOURCE: That's it.

HOOVER: And, you know, we, we talk about different ways of doing that. Well, I'm aware of what the fuck a breaching charge is and I know you come down through the roof or you come through the wall or you go through the door. But I'm also aware of the different ways that it's done. If I set off a cratering charge on the roof, kick a whole in the roof, that's going to wake up every swinging dick in a four-mile fuckin' radius.

SOURCE: That's it. There are going to be more cops there...

HOOVER: I can open the fuckin' door with that door popper and only the people within a block will hear it.

SOURCE: Yeah.

HOOVER: You know, that'll pop the door open. But what have we got inside the building for guards. You know? Who are they? Can I take them out with, with some kind of chemical warfare agent that's going to put them to sleep. You know, can I mace the suckers? Can I zap them? You know, can I hit them with an electric jolt, one of them little

flashlights that throws the darts. You know? If I can take him down with that, I don't want to kill him. But I'm damn sure not going to risk the, the safety and the integrity of the team.

SOURCE: That's right.

HOOVER: And I don't want to go in there with that kind of a thing if I can go in there and just take the thing out. And I, like I like this Star Wars concept and go in through the wires as it were and garbage the damn thing out. I know it can be done.

? Through the wires?

HOOVER: Yeah.

? Electrical wires?

HOOVER: Yeah. Yeah. Okay, I give you an idea of the concept. Okay? You know these little, uh, uh, uh, uh, intercoms you plug it in the wall and take one to your neighbor's and plug it in his wall and then you can talk back and forth. How's that work? How in the hell does that thing work?

? Does it go through the electrical wiring?

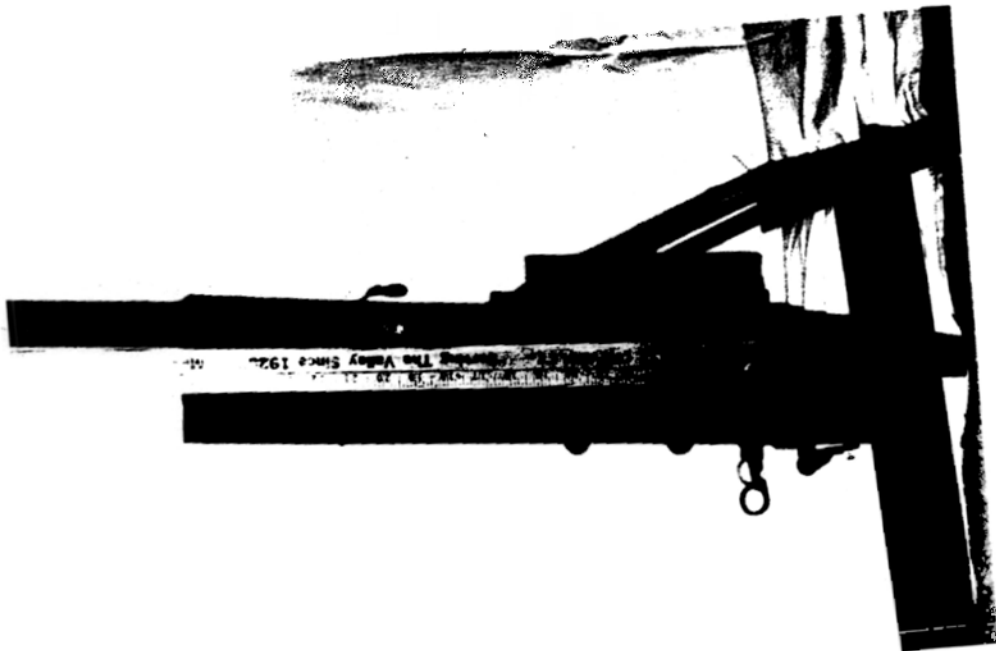
HOOVER: Yes. The power, power supply wire.

? It's not through the air?

HOOVER: No.

? No.

HOOVER: No, it goes down through the power supply wire. It sends, it sends a pulse signal down that power supply wire. And this thing screams out, you know...Let's go inside and we'll talk about it.



SOURCE: I got to run.

HOOVER: You got to flee, huh?

SOURCE: I'll come back after awhile.

HOOVER: Okay.

SOURCE: If she hasn't got something planned for me. I haven't been home for two days, so I don't know what...
Swills talks about building a cannon
(Not pertinent.)

HOOVER: Tell Ty that if he wants to, if he wants to prove something besides mouth, get me a goddamn blueprint of that building. Get me a blueprint of that building. If he's got a guy on the inside, he can get a hand-sketches floor plan of the building.

SOURCE: Do it.

HOOVER: Do it.

SOURCE: That's it. That's the stage I'm at right now.

HOOVER: Well, just, just tell him...You know, now you don't have to tell him what we talked about...

SOURCE: Oh no, oh no, oh no.

HOOVER: That shit can stay completely underground.

SOURCE: That's it, that's it.

HOOVER: And we'll get ahold of Hawk and take care of it from there. But you tell Ty that if he's got a guy inside I want a fuckin' blueprint of that building. And the guy can handsketch it. I don't give a rat's ass about that. I need to know what the walls are made of, approximate thickness of

it, where the power supply comes in, and I need the fuckin' floor plan.

SOURCE: Yep.

HOOVER: Okay? And we can pick it from there. All I want to do is see what he's got.

SOURCE: Yeah.

HOOVER: I want to see what kind of feedback I get. I want to see what kind of...If I get something besides bullshit, I think I'll be pretty amazed.

SOURCE: Yeah, well what it is it's Gumaer's man

HOOVER: Well, let's exercise that, that part of...

SOURCE: I'll ask him.

HOOVER: See if it works. And tell him, tell him we need it desperately. We've got two weeks. We got a two week time frame to meet other commitments, which we're not going to share with you because of the secrecy required. And tell him flat out we've got a fuckin' leak in the organization.

SOURCE: That's right.

HOOVER: And, and, and see if he can produce that fuckin' floor plan. If he can't, as far as I'm concerned he's all fuckin' mouth and no action.

SOURCE: That's it.

HOOVER: And we'll go from there. You know? But I don't give a rat's ass if I get it, Bill. I'll get that fucker anyway.

SOURCE: That's it. That's the way I look at it.

HOOVER: We'll go on our other activity. And, uh, see if

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DBG/dlm

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we can't come up with something nifty, fun and wonderful with that. Give me a good excuse to go to Salt Lake anyway. I got a kid up there that needs my attention.

(Not pertinent.)

SOURCE:

Okay, it is 1:29 p.m., 5/10/85. That was Tom Hoover. I was down at the telephone office. He came in. He wanted to go for a ride. So I gave him a ride back to the, uh, Arizona Freedom League on North Center in Flagstaff. Uh, we left there about 1:09 p.m.

END OF TRANSCRIPT.

In re: United States v. STEVEN CHRISTENSEN

Criminal Case No. 86-CR-354

Statute: 18 U.S.C. § 922(a)(5)

Penalty: NMT \$5,000 (or \$250,000
alternative fine),
NMT five years or both,
and \$50 special assessment

AUSA: Thomas M. O'Rourke

Plea Agreement: The defendant has agreed to waive indictment and plead guilty to an information charging a violation of 18 U.S.C. § 922(a)(5) and to cooperate with the government in its investigation of this case. The government has agreed to dismiss the indictment as it relates to Mr. Christensen at the time of sentencing.

PROSECUTOR'S STATEMENT

The evidence would have established the following:

In September 1985, in Phoenix, Arizona, David Gumaer told Billie Sivils that he had a source in Colorado who could provide eight machineguns for \$4,500.

Sivils was acting at that time as a confidential informant for the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms.

On October 6, 1985, Mr. Sivils, Mr. Gumaer and two undercover ATF agents flew in an ATF airplane from Arizona to an airport in Fort Collins, Colorado for the purpose of buying the weapons. Shortly after their arrival at the airport, Steven Christensen arrived by automobile. Mr. Sivils, Mr. Gumaer and one of the agents went to Mr. Christensen's car. There were eight firearms in the trunk of the vehicle.

The agent and Mr. Sivils carried the weapons to the airplane, and Mr. Sivils then paid Mr. Christensen \$4,500. The agents, Mr. Sivils and Mr. Gumaer then flew back to Arizona with the weapons.

The weapons were Uzi, 9mm model B machineguns with the serial numbers SA39586, SA39587, SA39588, SA39589, SA39590, SA39593, SA39594, and SA39595. Each weapon had been modified so that it was capable of being fired in the automatic mode; that is, it could shoot automatically, without manual reloading, more than one shot by a single function of the trigger.

At the time of the transfer of these weapons, neither Mr. Christensen nor the persons to whom he delivered them was a licensed firearms importer, manufacturer, dealer or collector. Mr. Christensen, who was a Colorado resident, also knew or had reason to believe that the agent and Mr. Sivils were residents of another state. He knew that Mr. Gumaer was an Arizona resident and had flown into Fort Collins with the other men from Arizona.

On December 15, 1986, Mr. Christensen told two ATF agents that he had received the weapons from Roger Hughes in mid-1984. He said Mr. Hughes told him at that time that the weapons had been converted and consequently they were illegal.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

COURT
CLERK

Criminal Case No.

80-CR-354

36 DEC 16 PM 12

UNITED STATES OF AMERICA,

Plaintiff,

MANEAKER
CLERK
BY _____ CLK.

vs.

DAVID GUMAER and
STEVEN CHRISTENSEN,

The Grand Jury charges that:

COUNT I

The foregoing was in violation of Title 26, United States Code, Section 5861(e), and Title 18, United States Code, Section 2.

COUNT II

On or about October 6, 1985, in the State and District of Colorado, DAVID GUMAER and STEVEN CHRISTENSEN knowingly transferred a firearm as defined by Title 26, United States Code, Section 5845(a), to wit: an Uzi model B, 9mm machinegun, serial number SA39587, in violation of the provisions of Chapter 53, Title 26, United States Code, in

that GUMAER and CHRISTENSEN transferred such firearm without first obtaining an approved application form as required by Title 26, United States Code, Section 5812(a)(6), showing the approval of such transfer and the registration of the firearm to the transferee.

The foregoing was in violation of Title 26, United States Code, Section 5861(e), and Title 18, United States Code, Section 2.

COUNT III

On or about October 6, 1985, in the State and District of Colorado, DAVID GUMAER and STEVEN CHRISTENSEN knowingly transferred a firearm as defined by Title 26, United States Code, Section 5845(a), to wit: an Uzi model B, 9mm machinegun, serial number SA39588, in violation of the provisions of Chapter 53, Title 26, United States Code, in that GUMAER and CHRISTENSEN transferred such firearm without first obtaining an approved application form as required by Title 26, United States Code, Section 5812(a)(6), showing the approval of such transfer and the registration of the firearm to the transferee.

The foregoing was in violation of Title 26, United States Code, Section 5861(e), and Title 18, United States Code, Section 2.

COUNT IV

On or about October 6, 1985, in the State and District of Colorado, DAVID GUMAER and STEVEN CHRISTENSEN knowingly transferred a firearm as defined by Title 26, United States Code, Section 5845(a), to wit: an Uzi model B, 9mm machinegun, serial number SA39589, in violation of the provisions of Chapter 53, Title 26, United States Code, in that GUMAER and CHRISTENSEN transferred such firearm without first obtaining an approved application form as required by Title 26, United States Code, Section 5812(a)(6), showing the approval of such transfer and the registration of the firearm to the transferee.

The foregoing was in violation of Title 26, United States Code, Section 5861(e), and Title 18, United States Code, Section 2.

COUNT V

On or about October 6, 1985, in the State and District of Colorado, DAVID GUMAER and STEVEN CHRISTENSEN knowingly transferred a firearm as defined by Title 26, United States Code, Section 5845(a), to wit: an Uzi model B, 9mm machinegun, serial number SA39590, in violation of the provisions of Chapter 53, Title 26, United States Code, in that GUMAER and CHRISTENSEN transferred such firearm without

first obtaining an approved application form as required by Title 26, United States Code, Section 5812(a)(6), showing the approval of such transfer and the registration of the firearm to the transferee.

The foregoing was in violation of Title 26, United States Code, Section 5861(e), and Title 18, United States Code, Section 2.

COUNT VI

On or about October 6, 1985, in the State and District of Colorado, DAVID GUMAER and STEVEN CHRISTENSEN knowingly transferred a firearm as defined by Title 26, United States Code, Section 5845(a), to wit: an Uzi model B, 9mm machinegun, serial number SA39593, in violation of the provisions of Chapter 53, Title 26, United States Code, in that GUMAER and CHRISTENSEN transferred such firearm without first obtaining an approved application form as required by Title 26, United States Code, Section 5812(a)(6), showing the approval of such transfer and the registration of the firearm to the transferee.

The foregoing was in violation of Title 26, United States Code, Section 5861(e), and Title 18, United States Code, Section 2.

COUNT VII

On or about October 6, 1985, in the State and District of Colorado, DAVID GUMAER and STEVEN CHRISTENSEN knowingly transferred a firearm as defined by Title 26, United States Code, Section 5845(a), to wit: an Uzi model B, 9mm machinegun, serial number SA39594, in violation of the provisions of Chapter 53, Title 26, United States Code, in that GUMAER and CHRISTENSEN transferred such firearm without first obtaining an approved application form as required by Title 26, United States Code, Section 5812(a)(6), showing the approval of such transfer and the registration of the firearm to the transferee.

The foregoing was in violation of Title 26, United States Code, Section 5861(e), and Title 18, United States Code, Section 2.

COUNT VIII

On or about October 6, 1985, in the State and District of Colorado, DAVID GUMAER and STEVEN CHRISTENSEN knowingly transferred a firearm as defined by Title 26, United States Code, Section 5845(a), to wit: an Uzi model B, 9mm machinegun, serial number SA39595, in violation of the provisions of Chapter 53, Title 26, United States Code, in that GUMAER and CHRISTENSEN transferred such firearm without first obtaining an approved application form as required by

Title 26, United States Code, Section 5812(a)(6), showing the approval of such transfer and the registration of the firearm to the transferee.

The foregoing was in violation of Title 26, United States Code, Section 5861(e), and Title 18, United States Code, Section 2.

A TRUE BILL


Foreperson

ROBERT N. MILLER
United States Attorney


By: Thomas M. O'Rourke
Assistant U.S. Attorney